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2 UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

3 -----X  
4 Estate of VALERIE YOUNG, by VIOLA YOUNG,  
as Administratrix of the Estate of  
5 Valerie Young, and in her personal  
capacity, SIDNEY YOUNG, and LORETTA  
YOUNG LEE,

6 Plaintiffs,  
7 vs. Index No.:  
07CV6241

8 STATE OF NEW YORK OFFICE OF MENTAL  
RETARDATION AND DEVELOPMENTAL  
9 DISABILITIES, PETER USCHAKOW,  
personally and in his official  
10 capacity, JAN WILLIAMSON, personally  
and in her official capacity, SURESH  
11 ARYA, personally and in his official  
capacity, KATHLEEN FERDINAND,  
12 personally and in her official  
capacity, GLORIA HAYES, personally and  
13 in her official capacity, DR. MILOS,  
personally and in his official capacity,

14 Defendants.

15 -----X

16 April 11, 2008  
10:06 a.m.

17

18 Examination before trial of PETER  
19 ALEXANDER USCHAKOW, held at the offices  
20 of The Catafago Law Firm, P.C., 350 Fifth  
21 Avenue, New York, New York, pursuant to  
22 Notice, before Wendy D. Boskind, a  
23 Registered Professional Reporter and  
24 Notary Public of the State of New York.

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2 APP E A R A N C E S:

3

4 THE CATAFAGO LAW FIRM, P.C.

5 Attorneys for Plaintiffs

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7 350 Fifth Avenue

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9 BY: JACQUES CATAFAGO, ESQ.

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11

12 STATE OF NEW YORK

13 OFFICE OF THE ATTORNEY GENERAL

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15 Attorneys for Defendants

16 120 Broadway

17 New York, New York 10271-0332

18 BY: JOSE L. VELEZ, ESQ.

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20

21 ALSO PRESENT:

22 PATRICIA PAWLOWSKI, ESQ.

23 Counsel's Office

24 Office of Mental Retardation

25 and Developmental Disabilities

1 Uschakow

2 A. There are --

3 MR. VELEZ: Objection, it's  
4 varying.

5 Q. Well, if you could tell me.

15                   A.     There are a certain number of  
16     conditions of participation in the  
17     Medicaid program. Those conditions of  
18     participations are further delineated  
19     into standards.

20 Yes, I have the condition --

21 I'm sorry -- the 483 regs. in my office.

22 Q. So 483 regs.

23 A. I think it is.

24 Q. You had it physically in your  
25 office?

1 Uschakow

2 A. Physically in my office.

3 Q. And that's what you would  
4 refer to, to ensure compliance?

5                   A.    That's what I would refer to  
6    if I needed to enlighten myself in  
7    greater detail what the definition of  
8    "compliance".  To ensure compliance, I  
9    delegated to my experts on my staff.

10 Q. And, ultimately, you had the  
11 ultimate directorial supervision over  
12 those experts; right?

13 A. Not all of them.

14 Q. Which didn't you directly --  
15 which weren't you directly in charge of?

16                   A.     I was not in charge of the  
17                   discipline coordinators.

18 Q. Well, the discipline  
19 coordinators reported to the deputy  
20 director of operations --

21 A. That's correct.

22 Q. -- who reported to you.

23 A. That's correct.

24 Q. And, by "discipline  
25 coordinators", you're referring to field

1 Uschakow

2 of disciplines, like doctors, and so  
3 forth.

4                   A.     I am specifically talking  
5                   about physical therapy, occupational  
6                   therapy, nursing, speech pathology,  
7                   recreation, day treatment programming.

8 Q. To your knowledge, did  
9 Valerie Young ever receive physical  
10 therapy while under the care of BDC?

11 A. Yes.

12 Q. When?

13 A. I don't understand, "when"?

14 Q. I'm asking for a temporal  
15 time reference to your response.

16 You said "yes", she received  
17 care, and my question is when did she  
18 receive --

19                   A.    When did she receive the  
20                   care?

21 Q. Yes.

22                   A.     I don't recall the exact  
23                   dates.

24 Q. Do you recall the year or  
25 years?

1 Uschakow

2 Q. Do you recall having a  
3 discussion about the treatment and care  
4 of Valerie Young with anyone at BDC prior  
5 to her death?

10 Q. And when you said you recall  
11 a discussion with the deputy director of  
12 operations, are you referring to Arya or  
13 Jan Williamson?

14                           A.     I am not sure which one it  
15                            was.

16 Q. Can you describe, in greater  
17 detail, the substance of your  
18 conversation with the deputy director at  
19 that time?

20 A. That Viola Young -- Mrs.  
21 Viola Young, had called me to air her  
22 concern about Valerie's reduced walking  
23 ability, and I shared exactly that with  
24 the deputy for follow-up with the  
25 treatment team.

1 Uschakow

2 Q. And did anyone report back to  
3 you, after you shared that with your  
4 deputy director?

5 A. I do not recall.

6 Q. Do you recall you following  
7 up with anyone to determine what had  
8 happened after you had spoken to the  
9 deputy director?

10                   A.     I do recall, after the phone  
11     conversation, seeing Valerie in Building  
12     5 being assisted to walk.

13 Q. That wasn't my question. We  
14 will get to that in a second.

15 My question is, did you  
16 follow up with anyone.

17 A. No.

18 MR. VELEZ: Counsel, that can  
19 be construed as "follow-up",  
20 because --

21 MR. CATAFAGO: Okay, so let's  
22 go there.

23 Q. When you saw her in Building  
24 5, was it happenstance viewing or were  
25 you specifically going to see whether or

1 Uschakow

2 not anything had been done following your  
3 discussion with the deputy director?

4                   A.     I periodically make rounds of  
5     all of the program areas, and happened to  
6     see Valerie.

7 Q. And you saw her being  
8 assisted with someone?

9 A. Yes.

10 Q. Do you know who was assisting  
11 her?

12 A. No.

13 Q. Was it one person or more  
14 than one?

15 A. I remember one person.

16 Q. Was she using a wheelchair at  
17 the time?

18 A. No.

19 Q. Was the wheelchair beside her  
20 at the time?

21 A. I don't recall seeing it.

22 Q. Did you ever see Valerie  
23 Young in a wheelchair at all?

24 A. Yes.

25 Q. How many times?

Uschakow

2 A. I couldn't tell you.

3 Q. Did you see her -- withdrawn.

4 You made -- you would make

5 rounds periodically or was it regular

6 that you would make rounds?

7 A. I don't understand.

7 A. I don't understand the

8 question.

9 Q. Well, when you were director

10 at BDC, how often would you walk around

11 to look at the patients?

12 A. It varies, it varies on the

13 pressures of the office.

14 Q. Approximately how many times,

15 if you can approximate, did you actually

16 see Valerie Young?

17 MR. VELEZ: During what time?

18 MR. CATA

19 she was there.

20 Q. Once a week?

21 A. As a dir

22 arrival there?

23 Q. Well, since your arrival

24 there, since you were deputy director.

25 A. No way I could count.